

**REPORT OF THE AUDIT OF THE
BUTLER COUNTY
SHERIFF**

**For The Year Ended
December 31, 2008**



**CRIT LUALLEN
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE BUTLER COUNTY SHERIFF

**For The Year Ended
December 31, 2008**

The Auditor of Public Accounts has completed the Butler County Sheriff's audit for the year ended December 31, 2008. Based upon the audit work performed, the financial statement presents fairly, in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees decreased by \$11,280 from the prior year, resulting in excess fees of \$3,048 as of December 31, 2008. Revenues increased by \$68,750 from the prior year and expenditures increased by \$80,030.

Report Comment:

- The Sheriff's Office Lacks Adequate Segregation Of Duties
- The Sheriff's Office Should Request Budget Amendments From Fiscal Court

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable David Fields, Butler County Judge/Executive
The Honorable Joe Gaddie, Butler County Sheriff
Members of the Butler County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the Sheriff of Butler County, Kentucky, for the year ended December 31, 2008. This financial statement is the responsibility of the Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the Sheriff for the year ended December 31, 2008, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated October 14, 2009 on our consideration of the Butler County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable David Fields, Butler County Judge/Executive
The Honorable Joe Gaddie, Butler County Sheriff
Members of the Butler County Fiscal Court

Based on the results of our audit, we have presented the accompanying comments and recommendations, included herein, which discusses the following report comments:

- The Sheriff's Office Lacks Adequate Segregation Of Duties
- The Sheriff's Office Should Request Budget Amendments From Fiscal Court

This report is intended solely for the information and use of the Sheriff and Fiscal Court of Butler County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these interested parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", written in a cursive style.

Crit Luallen
Auditor of Public Accounts

October 14, 2009

BUTLER COUNTY
JOE GADDIE, SHERIFF
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2008

Revenues

State - Kentucky Law Enforcement Foundation Program Fund	\$	9,839	
State Fees For Services:			
Finance and Administration Cabinet	\$	14,632	
Sheriff Security Service		7,885	
Return of Fugitives		18,596	41,113
Circuit Court Clerk:			
Fines and Fees Collected			4,387
Fiscal Court			140,870
County Clerk - Delinquent Taxes			1,271
Commission On Taxes Collected			122,098
Fees Collected For Services:			
Auto Inspections		4,880	
Accident and Police Reports		343	
Serving Papers		30,390	
Carrying Concealed Deadly Weapon Permits		2,460	
Sheriff's 10% Add-On Fees		18,120	
Advertising Fees and Costs		4,975	
Transportation of Prisoners		1,735	
Transportation of Juveniles		2,343	
Miscellaneous		1,317	
Reimbursements		3,785	
Proceeds of Sheriff's Sale		2,474	72,822
Interest Earned			512
Borrowed Money:			
State Advancement			29,635
Total Revenues			422,547

The accompanying notes are an integral part of this financial statement.

BUTLER COUNTY
 JOE GADDIE, SHERIFF
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2008
 (Continued)

Expenditures

Operating Expenditures and Capital Outlay:

Personnel Services-

Deputies' Salaries	\$ 104,158
Part-Time Salaries	9,757
Other Salaries	47,737
Overtime	15,219
Kentucky Law Enforcement Foundation Program (KLEFPF)	8,558

Employee Benefits-

Employer's Share Social Security	18,170
Employer's Share Retirement - KLEFPF	1,280

Contracted Services-

Computer Services	2,249
Payroll Services	670
Vehicle Maintenance and Repairs	14,026

Materials and Supplies-

Office Materials and Supplies	8,265
Uniforms	10,899
Equipment Supplies	26,038
Film Developing	232
Radio/MDT Repairs	812
K-9 Supplies	224

Auto Expense-

Gasoline	35,748
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Other Charges-

Dues	377
Postage	4,283
Sheriff's Sale	2,109
Transporting Fugitives	1,622
Miscellaneous	2,535

Capital Outlay-

Office Equipment	3,150	
Vehicles	1,250	\$ 319,368

Debt Service:

State Advancement	29,635
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Total Expenditures	349,003
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BUTLER COUNTY

The accompanying notes are an integral part of this financial statement.

JOE GADDIE, SHERIFF
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
For The Year Ended December 31, 2008
(Continued)

Net Revenues	\$ 73,544
Less: Statutory Maximum	<u>70,496</u>
Excess Fees Due County for 2008	3,048
Payment to Fiscal Court - May 11, 2009	<u>2,818</u>
Balance Due Fiscal Court at Completion of Audit	* <u><u>\$ 230</u></u>

* A check was written to the County Treasurer on September 18, 2009 in the amount of \$230.

The accompanying notes are an integral part of this financial statement.

BUTLER COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2008

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the Sheriff as determined by the audit. KRS 134.310 requires the Sheriff to settle excess fees with the fiscal court at the time he files his final settlement with the fiscal court.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2008 services
- Reimbursements for 2008 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2008

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

BUTLER COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2008
(Continued)

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost-sharing, multiple-employer, defined benefit pension plan that covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members.

Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 16.17 percent for the first six months and 13.50 percent for the last six months of the year

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Butler County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Butler County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2008, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

BUTLER COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2008
(Continued)

Note 4. Drug Account

Under terms stipulated by the United States Department of Justice and the Commonwealth of Kentucky, the Sheriff's office received proceeds from the confiscations, surrender, or sale of real and personal property involved in drug related convictions. These funds are to be used for law enforcement activities. As of January 1, 2008, this account had a balance of \$3,097. During 2008, funds of \$13,696 were received and \$10,839 was expended, leaving a balance of \$5,954 as of December 31, 2008.

Note 5. DARE Account

The Sheriff's office maintains a bank account to be used for drug education. As of January 1, 2008, this account had a balance of \$58. During 2008, no funds were received or expended, leaving a balance of \$58 as of December 31, 2008.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable David Fields, Butler County Judge/Executive
The Honorable Joe Gaddie, Butler County Sheriff
Members of the Butler County Fiscal Court

**Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Butler County Sheriff for the year ended December 31, 2008, and have issued our report thereon dated October 14, 2009. The Sheriff's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Butler County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified a certain deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the regulatory basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting. We consider the deficiency described in the accompanying comments and recommendations to be a significant deficiency in internal control over financial reporting.

- The Sheriff's Office Lacks Adequate Segregation Of Duties



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above to be a material weakness.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Butler County Sheriff's financial statement for the year ended December 31, 2008, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance or other matters that is required to be reported under Government Auditing Standards and which is described in the accompanying comments and recommendations.

- The Sheriff's Office Should Request Budget Amendments From Fiscal Court

This report is intended solely for the information and use of management, the Butler County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen
Auditor of Public Accounts

October 14, 2009

COMMENTS AND RECOMMENDATIONS

BUTLER COUNTY
JOE GADDIE, SHERIFF
COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2008

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY AND MATERIAL WEAKNESS:

The Sheriff's Office Lacks Adequate Segregation Of Duties

The Sheriff's office lacks adequate segregation of duties. The Sheriff's bookkeeper collects payments from customers, prepares deposits, writes checks, posts transactions to the receipts ledger, posts checks to the monthly bank reconciliation, and prepares monthly and quarterly financial reports. The Sheriff or an employee did not document oversight of any of these activities. Lack of oversight could result in misappropriation of assets and/or inaccurate financial reporting to external agencies such as Department for Local Government, which could occur and go undetected.

The segregation of duties over various accounting functions, such as opening mail, preparing deposits, recording receipts and disbursements, and preparing monthly reports, or the implementation of compensating controls, when needed because the number of staff is limited, is essential for providing protection from asset misappropriation and/or inaccurate financial reporting. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities.

Adequate segregation of duties would prevent the same person from having a significant role in the processing, recording, reporting, and reconciling of receipts and disbursements. The following compensating controls should be implemented to offset the lack of segregation of duties: the Sheriff or designee should on a regular basis compare the daily bank deposit to the receipts ledger, the Sheriff or designee should compare checks written to the disbursements ledger, and the Sheriff or designee should reconcile the monthly and quarterly financial report to the ledgers. Any differences should be reconciled. We recommend the Sheriff implement the above compensating controls and require the controls be documented as evidence of their existence.

Sheriff's Response: None.

BUTLER COUNTY
JOE GADDIE, SHERIFF
COMMENT AND RECOMMENDATION
For The Year Ended December 31, 2008

STATE LAWS AND REGULATIONS:

The Sheriff's Office Should Request Budget Amendments From Fiscal Court

KRS 64.530(3) states the Fiscal Court may fix the maximum amount that the Sheriff may expend each year for the expenses of his office. According to the interpretation of this statute in Funk v. Milliken, Ky., 317 S.W.2d499, 507 (1958), "the fiscal court may fix, in advance, the categories of reasonable official expense that will be allowed and the maximum amount that will be allowed in each category." In addition, KRS 68.210 provides the Kentucky State Local Finance Officer (SLFO) with the authority to implement accounting practices for local government officers. In the County Budget Preparation and State Local Finance Officer Policy Manual issued by the Kentucky Department for Local Government, the SLFO requires the Fiscal Court to approve the calendar year budget for the Sheriff's office by January 15 of each year." On December 10, 2007, the Butler County Fiscal Court voted to approve a budget for the Sheriff's office for calendar year 2008 of \$341,857 in revenues and \$376,857 in expenditures. During our audit, we noted actual revenues of \$422,547 and actual expenditures of \$419,499 which exceeded budgeted amounts for calendar year 2008 by \$80,690 and \$42,642, respectively. The Sheriff's office did not request budget amendments during calendar year 2008 from the Butler County Fiscal Court as expenditures exceeded budgeted amounts. The Sheriff's office should establish procedures to monitor budgeted to actual and to request budget amendments when expenditures exceed budgeted amounts.

Sheriff's Response: None.

